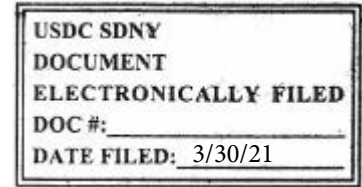


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Trustees of the New York City District Council of
Carpenters Pension Fund, Welfare Fund, Annuity
Fund, Apprenticeship, Journeyman Retraining,
Educational and Industry Fund, et al.,

Plaintiff,

—v—

Manny P. Concrete Company, Inc.,

Defendant.

18-cv-4111 (AJN)

ORDER ADOPTING REPORT AND
RECOMMENDATION

ALISON J. NATHAN, District Judge:

Before the Court is Magistrate Judge Ona T. Wang’s January 28, 2021 Report & Recommendation recommending that the Court grant (1) Plaintiffs’ motion for attorneys’ fees and costs in the amount of \$42,682.87 and (2) Plaintiff’s request for post-judgment interest. Dkt. No. 76 (“R & R”).

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no timely objections to the R & R. *Banks v. Comm’r of Soc. Sec.*, No. 19-cv-929 (AJN) (SDA), 2020 WL 2765686, at *1 (S.D.N.Y. May 27, 2020); *see also Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire

record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-CV-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

As of this date, no objections to the R & R have been filed, and the deadline for objections has passed. *See* R & R at 7. Thus, the Court reviews the R & R for clear error, and it finds none.

The Court therefore adopts the R & R in its entirety and GRANTS (1) Plaintiffs’ motion for attorneys’ fees and costs in the amount of \$42,682.87 and (2) Plaintiff’s request for post-judgment interest, with interest to accrue at the statutory rate set forth in 28 U.S.C. § 1961.

This resolves Dkt. No. 71. The Clerk of Court is respectfully directed to enter judgment in accordance with Dkt. No. 70 and this Order and to close the case.

SO ORDERED.

Dated: March 30, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN
United States District Judge